DOCUMENT RESUME

ED 441 050 UD 033 514

AUTHOR	Orlando, Frank
TITLE	Controlling the Front Gates: Effective Admissions Policies and Practices. Pathways to Juvenile Detention Reform 3.
INSTITUTION	Annie E. Casey Foundation, Baltimore, MD.
PUB DATE	1999-00-00
NOTE	51p.; For other "Pathways to Juvenile Detention Reform" reports, see UD 033 511-513 and UD 033 515-521.
AVAILABLE FROM	Annie E. Casey Foundation, 701 St. Paul Street, Baltimore, MD 21202. Tel: 410-547-6600; Fax: 410-547-6624; Web site: http://www.aecf.org.
PUB TYPE	Guides - Non-Classroom (055) -- Tests/Questionnaires (160)
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	*Admission Criteria; Adolescents; Delinquency; *Juvenile Justice; Youth Problems
IDENTIFIERS	Adjudicated Youth; *Detention; Juvenile Crime; Reform Efforts; Reform Strategies; Risk Assessment

ABSTRACT

This report identifies policies and practices essential to overcoming problems with admissions to juvenile detention facilities, using information from the Juvenile Detention Alternatives Initiative (JDAI). Chapter 1, "Why Objective Admissions Policies and Practices Are Critical to Detention Reform," describes factors contributing to uncontrolled detention admissions practices (statutory language is vague, too many people can bring children in, systems often cannot distinguish between high- and low-risk youth, and systems lack effective quality controls). Chapter 2, "Principles for Effective Admissions Policies and Practices," discusses core principles that are central to the design and implementation of new admissions practices. Chapter 3, "Elements of a Structured, Objective Admissions Process," focuses on three basic elements: objective criteria that define eligibility; risk assessment to determine levels of custody required for detention-eligible youth; and quality control and oversight to track consistency, accuracy, and outcomes. Chapter 4, "Lessons Learned," presents key lessons learned from JDAI sites. Chapter 5, "Getting Started," explains five necessary steps (involve key stakeholders, examine what other sites have done, collect data, consider using consultants, and involve line staff in the change process). A list of resources and several risk assessment instruments are included. (SM)

Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 441 050

A PROJECT OF THE
ANNIE E. CASEY
FOUNDATION

3

PATHWAYS TO JUVENILE DETENTION REFORM

CONTROLLING THE FRONT GATES

effective admissions policies and practices

UD033514

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY

W. J. Rust
Annie E. Casey F.

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

by Frank Orlando

A PROJECT OF THE
ANNIE E. CASEY
FOUNDATION

3

PATHWAYS TO JUVENILE DETENTION REFORM

CONTROLLING THE FRONT GATES

effective admissions policies and practices

by Frank Orlando

About the Author:

Frank Orlando, a retired circuit court judge from Fort Lauderdale, Florida, is the Director of the Center for the Study of Youth Policy at Nova Southeastern University Law School.

Additional free copies of this report may be ordered from:

The Annie E. Casey Foundation
701 St. Paul Street
Baltimore, MD 21202
410.547.6600
410.547.6624 fax
www.aecf.org

printed on recycled paper

TABLE OF CONTENTS

Series Preface ____ 4

Chapter 1 Why Objective Admissions Policies and Practices are Critical to Detention Reform ____ 10

Chapter 2 Principles for Effective Admissions Policies and Practices ____ 13

Chapter 3 Elements of a Structured, Objective Admissions Process ____ 16

Chapter 4 Lessons Learned ____ 39

Chapter 5 Getting Started ____ 41

Resources ____ 42

Risk Assessment Instruments ____ 44

Titles in the ***Pathways*** Series ____ 48

SERIES PREFACE

Many years ago, Jim Casey, a founder and long-time CEO of the United Parcel Service, observed that his least prepared and least effective employees were those unfortunate individuals who, for various reasons, had spent much of their youth in institutions, or who had been passed through multiple foster care placements. When his success in business enabled him and his siblings to establish a philanthropy (named in honor of their mother, Annie E. Casey), Mr. Casey focused his charitable work on improving the circumstances of disadvantaged children, in particular by increasing their chances of being raised in stable, nurturing family settings. His insight about what kids need to become healthy, productive citizens helps to explain the Casey Foundation's historical commitment to juvenile justice reform. Over the past two decades, we have organized and funded a series of projects aimed at safely minimizing populations in juvenile correctional facilities through fairer, better informed system policies and practices and the use of effective community-based alternatives.

In December 1992, the Annie E. Casey Foundation launched a multi-year, multi-site project known as the Juvenile Detention Alternatives Initiative (JDAI). JDAI's purpose was straightforward: to demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention. The initiative was inspired by work that we had previously funded in Broward County, Florida, where an extremely crowded, dangerous, and costly detention operation had been radically transformed. Broward County's experience demonstrated that interagency collaboration and data-driven policies and programs could reduce the numbers of kids behind bars without sacrificing public safety or court appearance rates.

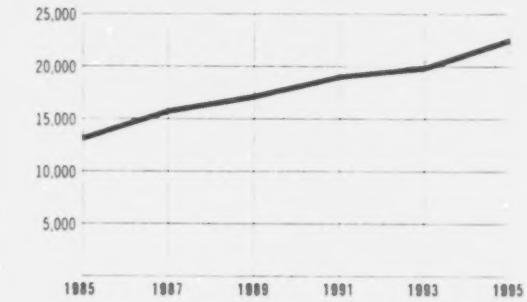
Our decision to invest millions of dollars and vast amounts of staff time in JDAI was not solely the result of Broward County's successful pilot endeavors, however. It was also stimulated by data that revealed a rapidly emerging national crisis in juvenile detention. From 1985 to 1995, the number of youth held in secure detention nationwide increased by 72 percent *(see Figure A)*. This increase

might be understandable if the youth in custody were primarily violent offenders for whom no reasonable alternative could be found. But other data *(see Figure B)* reveal that less than one-third of the youth in secure custody (in a one-day snapshot in 1995) were charged with violent acts. In fact, far more kids in this one-day count were held for status offenses (and related court order violations) and failures to comply with conditions of supervision than for dangerous delinquent behavior. Disturbingly, the increases in the numbers of juveniles held in secure detention facilities were severely disproportionate across races. In 1985, approximately 56 percent of youth in detention on a given day were white, while 44 percent were minority youth. By 1995, those numbers were reversed *(see Figure C)*, a consequence of greatly increased detention rates for African-American and Hispanic youth over this 10-year period.[1]

As juvenile detention utilization escalated nationally, crowded facilities became the norm rather than the exception. The number of facilities

FIGURE A

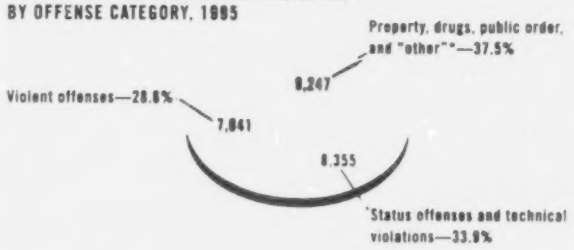
AVERAGE DAILY POPULATION OF JUVENILES IN U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

FIGURE B

ONE-DAY COUNTS IN DETENTION FACILITIES BY OFFENSE CATEGORY, 1995



*Examples of "other" include alcohol and technical violations.

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

FIGURE C

JUVENILES IN PUBLIC DETENTION CENTERS BY MINORITY STATUS, 1985-1995

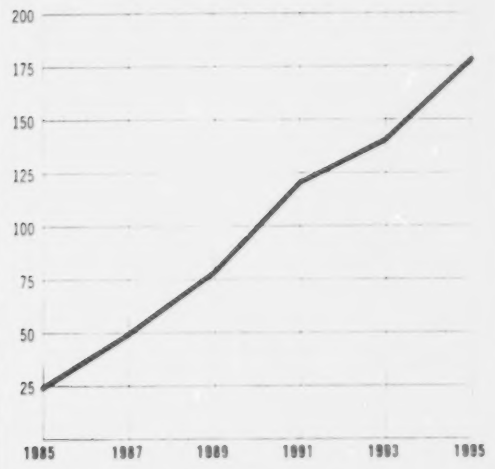
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

BEST COPY AVAILABLE

operating above their rated capacities rose by 642 percent, from 24 to 178, between 1985 and 1995 *(see Figure D)*, and the percentage of youth held in overcrowded detention centers rose from 20 percent to 62 percent during the same decade *(see Figure E)*. In 1994, almost 320,000 juveniles entered overcrowded facilities compared to 61,000 a decade earlier.

FIGURE D

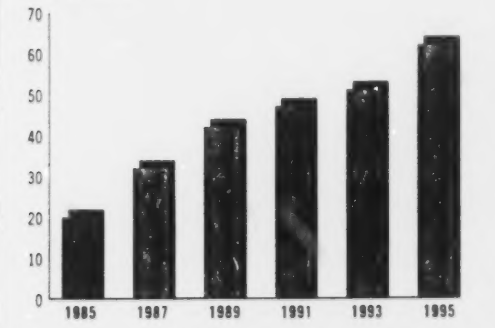
NUMBER OF OVERCROWDED U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

FIGURE E

PERCENTAGE OF JUVENILES IN OVERCROWDED U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

Crowding is not a housekeeping problem that simply requires facility administrators to put extra mattresses in day rooms when it's time for lights out. Years of research and court cases have concluded that overcrowding produces unsafe, unhealthy conditions for both detainees and staff. A recently published report by staff of the National Juvenile Detention Association and the Youth Law Center summarizes crowding's impact:

> *Crowding affects every aspect of institutional life, from the provision of basic services such as food and bathroom access to programming, recreation, and education. It stretches existing medical and mental health resources and, at the same time, produces more mental health and medical crises. Crowding places additional stress on the physical plant (heating, plumbing, air circulation) and makes it more difficult to maintain cleaning, laundry, and meal preparation. When staffing ratios fail to keep pace with population, the incidence of violence and suicidal behavior rises. In crowded facilities, staff invariably resort to increased control measures such as lockdowns and mechanical restraints.*[2]

BEST COPY AVAILABLE

Crowding also puts additional financial pressure on an already expensive public service. Operating costs for public detention centers more than doubled between 1985 and 1995, from $362 million to almost $820 million *(see Figure F)*. Some of these increased operating expenses are no doubt due to emergencies, overtime, and other unbudgeted costs that result from crowding.

FIGURE F
TOTAL OPERATING EXPENDITURES IN U.S. PUBLIC DETENTION CENTERS, 1985-1995

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

JDAI was developed as an alternative to these trends, as a demonstration that jurisdictions could control their detention destinies. The initiative had four objectives:

- to eliminate the inappropriate or unnecessary use of secure detention;
- to minimize failures to appear and the incidence of delinquent behavior;
- to redirect public finances from building new facility capacity to responsible alternative strategies; and
- to improve conditions in secure detention facilities.

To accomplish these objectives, participating sites pursued a set of strategies to change detention policies and practices. The first strategy was *collaboration,* the coming together of disparate juvenile justice system stakeholders and other potential partners (like schools, community groups, the mental health system) to confer, share information, develop system-wide policies, and to promote accountability. Collaboration was also essential for sites to build a consensus about the limited purposes of secure detention. Consistent with professional standards and most statutes, they agreed that secure detention should be used only *to ensure that alleged delinquents appear in court at the proper times and to protect the community by minimizing serious delinquent acts while their cases are being processed.*

BEST COPY AVAILABLE

Armed with a clearer sense of purpose, the sites then examined their systems' operations, using objective data to clarify problems and dilemmas, and to suggest solutions. They changed how admissions decisions were made (to ensure that only high-risk youth were held), how cases were processed (particularly to reduce lengths of stay in secure detention), and created new alternatives to detention programs (so that the system had more options). Each site's detention facility was carefully inspected and deficiencies were corrected so that confined youth were held in constitutionally required conditions. Efforts to reduce disproportionate minority confinement, and to handle "special" detention cases (e.g., probation violations or warrants), were also undertaken.

In practice, these reforms proved far more difficult to implement than they are now to write about. We began JDAI with five sites: Cook County, IL; Milwaukee County, WI; Multnomah County, OR; New York City; and Sacramento County, CA. Just about when implementation activities were to begin, a dramatic shift occurred in the nation's juvenile justice policy environment. High-profile cases, such as the killing of several tourists in Florida, coupled with reports of significantly increased juvenile violence, spurred both media coverage and new legislation antithetical to JDAI's notion that some youth might be "inappropriately or unnecessarily" detained. This shift in public opinion complicated matters in virtually all of the sites. Political will for the reform strategies diminished as candidates tried to prove they were tougher on juvenile crime than their opponents. Administrators became reluctant to introduce changes that might be perceived as "soft" on delinquents. Legislation was enacted that drove detention use up in several places. Still, most of the sites persevered.

At the end of 1998, three of the original sites—Cook, Multnomah, and Sacramento Counties—remained JDAI participants. Each had implemented a complex array of detention system strategies. Each could claim that they had fundamentally transformed their system. Their experiences, in general, and the particular strategies that they implemented to make their detention systems smarter, fairer, more efficient, and more effective, offer a unique learning laboratory for policymakers and practitioners who want to improve this critical component of

the juvenile justice system. To capture their innovations and the lessons they learned, we have produced this series of publications—***Pathways to Juvenile Detention Reform.*** The series includes 13 monographs, all but two of which cover a key component of detention reform. (As for the other two monographs, one is a journalist's account of the initiative, while the other describes Florida's efforts to replicate Broward County's reforms statewide.) A complete list of the titles in the ***Pathways*** series is provided at the end of this publication.

By the end of 1999, JDAI's evaluators, the National Council on Crime and Delinquency, will have completed their analyses of the project, including quantitative evidence that will clarify whether the sites reduced reliance on secure detention without increasing rearrest or failure-to-appear rates. Data already available, some of which was used by the authors of these monographs, indicate that they did, in spite of the harsh policy environment that drove detention utilization up nationally.

For taking on these difficult challenges, and for sharing both their successes and their failures, the participants in the JDAI sites deserve sincere thanks. At a time when kids are often disproportionately blamed for many of society's problems, these individuals were willing to demonstrate that adults should and could make important changes in their own behavior to respond more effectively to juvenile crime.

Bart Lubow
Senior Associate and Initiative Manager
The Annie E. Casey Foundation

Notes

[1] In 1985, white youth were detained at the rate of 45 per 100,000, while African-American and Hispanic rates were 114 and 73, respectively. By 1995, rates for whites had decreased by 13 percent, while the rates for African-Americans (180 percent increase) and Hispanics (140 percent increase) had skyrocketed. Wordes, Madeline and Sharon M. Jones. 1998. "Trends in Juvenile Detention and Steps Toward Reform," *Crime and Delinquency, 44(4):*544-560.

[2] Burrell, Sue, et. al., *Crowding in Juvenile Detention Centers: A Problem-Solving Manual,* National Juvenile Detention Association and Youth Law Center, Richmond, KY, prepared for the U.S. Department of Justice, Department of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (December 1998), at 5-6.

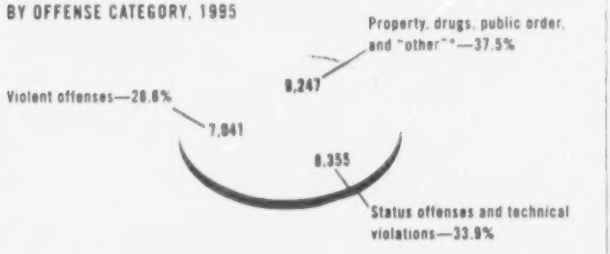
Chapter 1

WHY OBJECTIVE ADMISSIONS POLICIES AND PRACTICES ARE CRITICAL TO DETENTION REFORM

Most experts and virtually all professional standards indicate that secure juvenile detention should be used to accomplish two purposes: (1) to ensure that alleged delinquents appear in court and (2) to minimize the risk of serious reoffending while current charges are being adjudicated. Others, such as the Office of Juvenile Justice and Delinquency Prevention, have stated very clearly what detention should not be used for: "An effective juvenile justice system does not use detention as a sanction."[1]

Despite these very narrow purposes, many of the approximately 600,000 youth admitted to secure juvenile detention centers in the United States annually are charged with non-violent crimes or with violations of technical rules imposed for underlying offenses that would not even be prosecutable if they were adults (see Figure 1). Moreover, most of these youth are detained for very brief periods. Though the average length of stay in detention nationally was approximately 15 days in 1994, the majority of all admissions were released within five days.

FIGURE 1
ONE-DAY COUNTS IN DETENTION FACILITIES BY OFFENSE CATEGORY, 1995



*Examples of "other" include alcohol and technical violations.
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities.

Locking up so many alleged delinquents for low-level offenses and for very short stays means that many juvenile justice systems are using their detention beds for purposes often unrelated to detention's purposes. They are, furthermore, also depriving children of their liberty, disrupting family and community ties, and labeling perhaps temporarily mischievous youth unnecessarily. Finally, and in many places most importantly, these systems are creating their own crowding problems. Juvenile justice professionals know that

BEST COPY AVAILABLE

two factors determine facility population levels—admissions and lengths of stay. A jurisdiction that wants to avoid or end crowding in a secure detention facility must either reduce the numbers of youth who enter it, or lower the average time youth spend in it, or both. (For detailed discussions regarding length-of-stay reduction strategies, see *Reducing Unnecessary Delay: Innovations in Case Processing* in this series.)

Why are so many kids being admitted to secure detention centers unnecessarily or inappropriately? A variety of factors contribute to uncontrolled detention admissions practices.

1. **The Statutory Language is Vague**: Though most state statutes delineate purposes for which secure juvenile detention is authorized, the language of these laws is often so broad that almost any arrested youth can be detained for almost any reason. It's not uncommon to hear practitioners explain that they detained a youth "to teach him a lesson" or "to get him an assessment." These explanations, however benign, have little to do with detention's intended purposes. Such practices persist, in significant part, because relevant laws or regulations are too imprecise to guard against them.

2. **Too Many People Have Keys to the Facility**: While not literally true, in practice more than just police agencies send or bring youth to juvenile detention centers. For example, in many jurisdictions, probation and parole departments, child welfare agencies, mental health facilities, immigration officials—even schools—bring kids to detention centers. If there are very broad criteria for using detention and lots of agencies that traditionally identify youth for detention, it's easy to understand how many inappropriate admissions result.

3. **Systems Often Can't Distinguish Between High- and Low-Risk Youth**: If detention admissions are supposed to be reserved for kids who are likely either to reoffend (while their case is pending) or fail to appear in court, systems need ways to assess these risks. Most places, however, lack reliable, standardized techniques for making these determinations, relying instead on subjective assessments made by individuals who are given few, if any, standards by which to make their judg-

ments. As a result, some very dangerous youth may be released to the community, and lots of relatively low-risk youngsters end up needlessly confined.

4. **Juvenile Detention Systems Lack Effective Quality Controls:** To ensure that the correct kids are detained and released is a complicated task. Yet most juvenile justice systems go about this business without routine supervisory reviews of detention decisions, without sufficient defense capacity to ensure that the letter of the law is upheld, or without data that clarifies the effectiveness of the jurisdiction's practices.

This report was written to identify the policies and practices essential to overcome these and related problems. The experiences of the JDAI sites, as well as pioneering detention reform jurisdictions like Broward County, Florida, indicate that it is both necessary and possible to overhaul detention admissions policies and practices. Their innovations improved system effectiveness, saved taxpayer dollars, and altered outcomes for children. These changes, moreover, proved to be essential building blocks for other detention system reforms. For example, without revised admissions policies and practices, new alternatives to detention programs would have been improperly utilized and conditions of confinement would not have improved. The examples and suggestions that follow should help interested jurisdictions to eliminate arbitrary and wasteful practices and to replace them with rational, fair, efficient, and effective ways to make these critical decisions about youth.

This report will begin by reviewing core principles that are central to the design and implementation of new admissions practices. Then, detailed discussions of the essential elements of a structured, objective approach will be presented, relying on the experiences of JDAI and other sites. We will then review some of the key lessons that emerged from these experiences before concluding with a section on how to get started with similar reforms in your own jurisdiction.

Note

[1]Bilchik, Shay, "Objectives of an Effective Juvenile Justice System," Office of Juvenile Justice and Deliquency Prevention *Bulletin*, Washington, DC, 1998.

Chapter 2

PRINCIPLES FOR EFFECTIVE ADMISSIONS POLICIES AND PRACTICES

The experiences of the JDAI sites and other jurisdictions engaged in juvenile detention reform have surfaced a set of core principles essential to revising admissions policies and practices.

1. Admissions policies, practices, and instruments must be based upon a clear understanding of the purposes of detention. When policymakers and staff are not clear about the limited purposes of detention, it is very difficult to design an admissions policy that is uniform, fair, and related to the outcomes the system is trying to accomplish. For example, if staff do not accept and act upon the notion that detention use must be tied to risk of non-appearance or rearrest, there is nothing to preclude them from putting kids in custody to "teach them a lesson" or "to have them assessed." Moreover, effective admissions practices should be based upon the principle of using the least restrictive alternative necessary to ensure that the youth appear in court and remain arrest-free pending adjudication.

2. Effective admissions policies and practices rely on objective criteria to distinguish between youth who are likely to flee or commit new crimes and those who are not. Eliminating subjectivity and inconsistency and replacing it with objective decision-making should be a major goal of any admissions reforms. Absent objective approaches, high-risk offenders may be released and low-risk offenders detained. Such practices endanger public safety, waste public resources, and undermine confidence in the juvenile justice system.

3. Good admissions practices rely on a structured decision-making process to ensure timely, consistent screening. Applying objective standards simply won't work effectively or efficiently if the process for making decisions is unstructured, haphazard, or lacking authority. Clear designation of responsibility, specific time frames, supervisory review, and high-quality documentation are necessary components of reformed admissions practices. These traits ensure that all parties—from

police to the courts—know what happens when a youth is brought to the detention center. These same qualities also minimize the chances that youth get "lost in the cracks" or that important decisions are delayed.

4. **Data are essential to the design, implementation, and sustainability of effective admissions practices.** The importance of timely, accurate data to the planning and implementation of admissions practices cannot be over-emphasized. Such data are needed to design objective risk assessment instruments that can distinguish between high- and low-risk youth. Data are also essential to monitor the application of such instruments, for example, to determine whether staff are scoring cases accurately or whether particular intake workers are using overrides unnecessarily. Finally, data analyses are the only way to determine whether the new admissions practices are accomplishing their intended purposes of minimizing failure-to-appear and pre-adjudicatory rearrests. The availability of these outcome data, moreover, will enable system officials to continuously refine the admissions practices to maximize success.

5. **Effective implementation of objective admissions practices requires the support of the system's key stakeholders and line staff.** Implementing reforms based on objective standards, rather than the often unbridled, subjective discretion common to many intake operations, is bound to meet resistance. Trying to introduce these new approaches in the face of this opposition is a formula for failure. If police departments do not agree to new eligibility criteria, for example, they can undermine political support for the reforms by claiming they are "soft on crime." Similarly, if judges don't endorse the use of risk assessment instruments to determine who is admitted, they will be unwilling to authorize intake workers to release low-risk youth. Finally, many times line staff interpret new, objective approaches as attacks on their judgment and professional abilities. Overcoming these concerns requires regular meetings, training, and effective use of data to demonstrate the new approach's value. Once the new system is implemented, the benefits of these objective processes need to be continuously reinforced through routine reports and other forms of feedback.

6. An objective admissions system requires constant monitoring and quality control. Effective admissions practices rely on regular monitoring and quality control to track both the consistency of intake decisions and the accuracy of the assessments. Automated screening instruments, routine data analyses, and supervisory oversight are the main tools needed to ensure that policies and instruments are applied appropriately and accurately. This quality control will also surface problems with the system that call for adjustments or that should be topics of ongoing training.

Chapter 3

ELEMENTS OF A STRUCTURED, OBJECTIVE ADMISSIONS PROCESS

The experiences of sites that have successfully changed their approach to admitting youth to juvenile detention highlight three basic elements: (1) objective criteria that define eligibility; (2) risk assessment to determine the level of custody that detention-eligible youth require; and (3) quality control and oversight to track consistency, accuracy, and outcomes.

A. Objective Criteria That Define Eligibility

Eligibility for secure juvenile detention is typically defined in state statute. However, most states use very broad and subjective criteria that allow admission of almost any child, for almost any infraction or offense. As noted earlier, national data (see Figure 1) indicate that, on any given day, about 71 percent of youth in detention are charged with nonviolent acts or technical probation violations. Objective admissions criteria will help jurisdictions to eliminate inappropriate admissions of low-risk cases by clarifying for police, judges, and intake staff who is and is not eligible in accordance with clearly delineated characteristics. These criteria are based primarily on the seriousness of the alleged delinquent act or other variables indicative of risk, such as the fact that the youth has absconded from a placement program or has a warrant pending.

There are two basic ways that have been used to develop or improve detention eligibility criteria: revisions to state statute and judicial orders. Examples of each follow. Neither is foolproof, each presents dilemmas for the police and intake staff, and both are subject to changing political fortunes.

1. **Statutory Criteria.** In Florida, the legislature adopted objective criteria—developed initially as part of detention reforms in Broward County—as part of a statewide juvenile justice reform package in 1989. Prior to these changes, state criteria authorized detention of any child "who presented a clear and present danger to himself or others" or "any violation of law or court order" and allowed detention to be used as "punishment" by way of judicial contempt. Absent other

clarifying language, virtually any youth could be detained prior to the 1989 statutory changes.

The new statutory language restricted the placement of juveniles in secure detention unless there was a risk of non-appearance or of serious reoffending prior to adjudication. The relevant provision of legislative intent stated:

> *that detention under the provisions of part 1 of this chapter be used only when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate. It is further the intent of the Legislature that decisions to detain be based in part on a prudent assessment of risk, and that decisions to detain be limited to situations where there is clear and compelling evidence that a child presents a danger to himself or the community, presents a risk of failing to appear, or is likely to commit a subsequent law violation prior to adjudication and disposition.*[1]

In accordance with this statement of intent, the Florida Legislature enacted a provision to prohibit the use of secure detention in certain instances. The relevant section reads as follows:

A child alleged to have committed a delinquent act should not be placed in secure detention for the following reasons:

1. *To punish, treat or rehabilitate the child.*
2. *To allow a parent to avoid his or her legal responsibility.*
3. *To permit more convenient administrative access to the juvenile.*
4. *To facilitate further interrogation or investigation.*
5. *Due to lack of more appropriate facilities.*[2]

These statutory changes also identified offenses that could not result in detention (e.g., low-level misdemeanors and traffic offenses). If a police officer brought a youth to the secure facility based upon such charges, intake staff now had an authoritative basis for refusing to take custody. The new statute further indicated that an eligible delinquent could be placed in secure detention only based upon the risk assessment guidelines set forth in another section. (A detailed discussion of risk assessment practices begins on page 25.)

These statutory changes were challenged by several prosecutors who objected to the more limited use of detention and, especially, to the unavailability of the facility for punishment purposes. The Florida Supreme Court, however, in a sweeping opinion, affirmed the legislature's authority to restrict admissions to secure detention facilities. The Court noted:

> *The quintessential irony of adopting [the state's] argument is that children who are found to be dependent or in need of services would be incarcerated in a facility designed to hold those who are an imminent threat to public safety. Dependent children and children in need of services are not criminals; it has been determined that they have been neglected or physically, emotionally, or sexually abused.*
>
> *The acts of contempt committed by the dependent children in this case constituted running away from home and refusing to go to school. These acts are ones that the legislature deems a sign of children in need of services, not children in need of punishment.*[3]

Implementing these statewide statutory criteria required regional and local discussions with law enforcement, cross-agency training, and patience. The new criteria ended traditional practices, often to the chagrin of those whose decisions were now countermanded. In Broward County, for example, a very frustrated sheriff's deputy tried to arrest an intake supervisor for obstruction of justice after the supervisor refused to allow the deputy to leave a particular youth (charged only with a traffic offense) at the detention center.

Eventually, however, these new definitions of detention eligibility were understood and accepted, and they gave structure, objectivity, and limits to a previously unregulated set of practices. They also significantly reduced admissions to secure detention facilities statewide. According to Florida's Department of Juvenile Justice, for the three fiscal years covering 1987-1990, statewide admissions averaged 33,178 annually. For the three fiscal years subsequent to the legislative reforms just described (1990-1993), statewide annual average admissions equaled 29,312, a decrease of 13 percent.[4]

2. Judicially Ordered Criteria. A second option for a jurisdiction intent on changing admissions practices is to locally refine their state criteria. Changing state laws

may often be much more complicated than clarifying local policies, in part because detention is a county function in most places. Sacramento JDAI leaders realized that they could not change California codes in a timely way. However, a team from Sacramento visited Broward County early in the initiative and observed that site's admissions practices firsthand. This team made several recommendations to the county's Criminal Justice Cabinet (the inter-agency body responsible for justice system policy) on their return, the most prominent being the development of objective, localized detention criteria that interpreted and refined the broad California statutory language. John Rhoads, then Deputy Chief Probation Officer in Sacramento County and now the Chief Probation Officer in Santa Cruz County, tells the story of the development of these criteria:

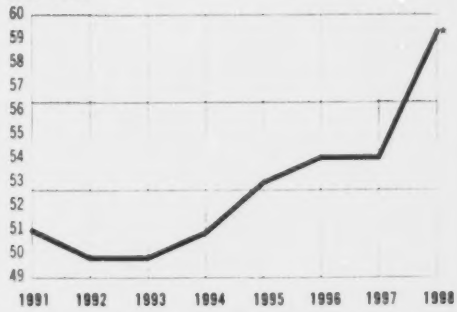
> *The California statutory admission criteria are very broad and virtually will admit any child to detention. By localizing and clarifying the broad State criteria, law enforcement would be provided effective direction as to the detention eligible population. The Cabinet agreed to develop site-specific admission criteria and then apply a risk assessment process for detention eligible cases.*
>
> *The task was referred to a committee made up of law enforcement (sergeant and lieutenant level), the presiding juvenile court judge, the detention administrator and intake supervisor. The police chief and sheriff were involved in JDAI planning from the beginning, so gaining acceptance by law enforcement was not difficult.*
>
> *In developing the criteria, we limited the eligible offense categories to serious felonies, misdemeanors or felonies where a firearm was present, escape, and minors charged with felony drug possession who had a record of previous failure to appear in court and/or a previous record of law violations while pending other charges. In this way, the committee identified the offenses recommended for booking and reached consensus on site-specific concerns such as high-speed chase cases and firearm possession cases.*
>
> *Test criteria were then finalized and training begun. We even developed an instructional video on admissions and screening issues and showed it at police roll calls for training.*

The result of this planning was the adoption of localized objective admissions criteria, formalized by an order from the presiding juvenile court judge, with the

full support of the highest justice policy-making body in the county. All line police officers and deputy sheriffs were issued these new criteria, along with an explanation of their development and instructions for use. Because the criteria are not presumptive, officers retain the option to bring youth to detention or to issue a citation to appear for case assessment later by the probation department. However, over time officers increasingly relied on the new criteria in making decisions to release or hold arrested youth, significantly increasing the percentage of cases that were cited instead of being booked at Juvenile Hall, as illustrated in Figure 2.

Securing police acceptance and buy-in for the new policies and practices was a significant accomplishment for Sacramento's JDAI collaborative. Under the existing state criteria, the police can book and present for detention almost any child they arrest. In addition, California law makes it a crime for any person with authority to receive an arrested person for detention to willfully refuse to receive such a person. Punishment can be a fine of up to $1,000 or up to one year in the county jail.

FIGURE 2
SACRAMENTO COUNTY
PERCENT OF JUVENILE ARRESTS ISSUED CITATIONS, 1991-1998



*Based on first third of calendar year.
Source: Sacramento County Probation Department.

3. Key Dilemmas Related to Objective Admissions Criteria. The adoption of objective detention eligibility criteria, whether by statute or local judicial order, presents several critical dilemmas for different stakeholders. Developing strategies to deal with these dilemmas is essential to acceptance of criteria and their effective implementation.

The first dilemma concerns the police: What are they to do with youth who can no longer be dropped off at the secure detention facility? With vague, subjective criteria, every child could be brought to detention. These youth then become the detention facility's problem and usually result in a significant number of inappropriate admissions to detention. The new criteria require the police to do something else with these youth. While issuing

BEST COPY AVAILABLE

summonses is an obvious and necessary response, what should officers do with youth who are runaways or homeless or who present some other kinds of problem?

The Multnomah County JDAI site provides a good example of this dilemma and a strategy to overcome it. Oregon's statutory detention admissions criteria do not authorize detention of status offenders and low-level misdemeanants. However, because the police had no other options, they routinely brought such cases to the detention center. The site's JDAI leaders discussed various strategies and alternatives to convince the police to stop this practice. Simple pleas for cooperation did not work: the police needed and wanted a concrete alternative. Rick Jensen, JDAI Coordinator for Multnomah County, describes what was done:

> *Historically, police have taken many of these "non-detainable" youth to the juvenile detention facility where the intake staff would screen them, attempt to contact their families and refer the youth to services. Detention intake received approximately 2,000 of these youth per year from the police, most of whom are not currently on probation and do not meet state statutory criteria for admission. By law, these youth can not be detained; however, in many instances it was the only option available. Various efforts had been made to address these issues and provide the most appropriate services to this high need/low risk population, but resolving the police's concerns was a difficult task.*
>
> *Recently, however, a local non-profit agency, New Avenues for Youth (NAFY), developed and implemented a pilot project to test a solution, a 24-hour reception center located at the Central Precinct of the Portland Police Bureau (in downtown Portland, where most of these cases originate). With support of the local police, the juvenile justice system and downtown businesses, youth picked up on non-detainable charges are brought to the Central Precinct. There, staff from NAFY work with the youth, family (if available), and any involved agencies, to develop an appropriate plan that addresses immediate needs. Additionally, NAFY staff will refer the youth to a case manager who can help them set and reach personal goals and change self-destructive life patterns.*
>
> *The objective of NAFY's reception center is to significantly reduce the number of non-detainable cases that police officers bring to detention intake and to greatly increase community prevention services for this population.*

Sacramento County offers a similar option—the Neighborhood Alternative Center—to its police officers. Unlike the Multnomah model, these 24-hour-per-day, seven-day-per-week programs are operated by juvenile probation staff. Various service providers and county agencies post staff to these centers to enhance their capacities to respond quickly to youth's needs. Interestingly, midway through JDAI, Sacramento had to close these centers during a budget crisis. Detention staff and prosecutors quickly noticed that admissions referrals increased for less serious offenses. In fact, the chief juvenile prosecutor at that time even noted that police seemed, on occasion, to overcharge youth whom they believed needed services simply to be able to bring them to detention intake. According to this assistant district attorney, these cases resulted in many inappropriate admissions. Recently, Sacramento was able to re-open and expand the Neighborhood Alternative Center program, with great support from law enforcement and the community in general.

The second dilemma that admissions eligibility criteria present is how to get the (now "non-detainable") juveniles seen and assessed for appropriate case processing within a reasonable time. In most jurisdictions, non-detained cases generally take much longer to be assessed, much less adjudicated and disposed. It's not uncommon, for example, for the system to take six to eight weeks to call cited cases to probation intake. If new admissions criteria are implemented in such places, legitimate concerns are likely to be raised by stakeholders who will worry about the effects of such delays in cases that previously could be brought directly to detention.

Resolution of this dilemma is essential and not just to get police acceptance of the new admissions criteria. Overall, detention system outcomes, as well as facility population control objectives, are better served by minimizing the time between arrest and intake. Jurisdictions that take long times to get to these non-detained cases are likely to find that they have high failure-to-appear rates when youth are eventually called to court. Similarly, youth who are rearrested during these extended delays are now virtually certain to be detained when brought in on a new case with prior charges pending. Earlier intervention might have resulted in actions that precluded the second arrest.

In Sacramento, the police wanted assurances that probation, prosecution, and the courts would expedite case assessment and processing for youth whom the police would have brought to the juvenile hall prior to the new criteria. To get police buy-in and to resolve this dilemma, Sacramento created the Accelerated Intake Citation Program. Elwin Jobe, Chief Deputy Probation Officer, explains:

> *The primary goal of the program is to make intervention services available to minors who now do not meet established detention criteria, but who still require some type of direct and immediate action because of the offense or other individual, family or school issues. The target population is low-risk, non-violent delinquents arrested for felony and misdemeanor offenses who would have been detained in the past, but do not qualify under the admission criteria. Under the accelerated program, citation hearings are held within 72 hours of receipt of the promise-to-appear documentation, as opposed to 30 days or more typical for routine non-detention cases. Besides referral to the district attorney for a formal delinquency petition, options available to program staff include (a) immediate family counseling and intervention, (b) informal probation supervision, (c) referral to the juvenile work project, and (d) referrals to other community resources.*

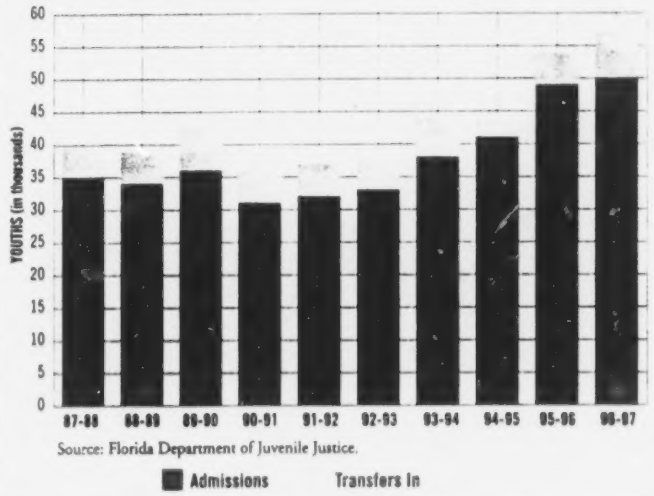
A third dilemma critical to the use of objective admissions criteria involves the consequences of shifting political climates. Jurisdictions implementing admissions criteria, by statute or by judicial order, should understand that both are vulnerable to backlash resulting from political shifts. In Florida, notwithstanding data that continued to show that objective criteria did not compromise public safety, and despite the Supreme Court ruling ratifying these criteria, the legislature, after two years, amended the criteria to allow the use of detention for "punishment" of contempt of court and expanded admissions criteria to include new low-risk offenses, including misdemeanor "domestic violence" cases (e.g., instances where a parent or sibling was threatened or struck by a child) or school yard fights.

The primary factor that influenced this major shift was one high-profile case involving the murder of a British tourist. The first alleged offender was a juvenile who not only did not commit the offense, but was not even at the scene of the murder. These facts, however, did not stop the negative shift in statewide detention policy. The statutory changes just noted greatly widened detention eligibility

in Florida once again. Predictably, admissions and average daily populations increased (see Figures 3 and 4).

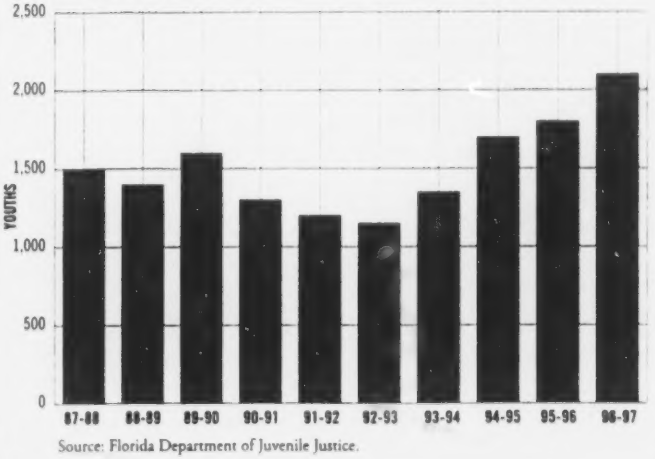
In Sacramento, the local admissions criteria came under attack during a hotly contested election for district attorney. In this instance, however, the support that had endorsed implementation of these new practices as part of the detention reform initiative was sustained. The chairperson of the Criminal Justice Cabinet (chief judge of the circuit) and the presiding juvenile court judge used data to counter negative attacks on the criteria as "soft on crime."

FIGURE 3
FLORIDA SECURE DETENTION ADMISSIONS AND TRANSFERS IN STATEWIDE BY FISCAL YEAR



Source: Florida Department of Juvenile Justice.

FIGURE 4
FLORIDA SECURE DETENTION AVERAGE DAILY POPULATION STATEWIDE BY FISCAL YEAR



Source: Florida Department of Juvenile Justice.

Sacramento's lesson is clear: jurisdictions considering adoption of admissions criteria that restrict detention eligibility should recognize that the political climate can change quickly and should be prepared to support their reformed policies and practices through public stakeholder endorsement and credible data.

B. Objective Screening Instruments

Admissions criteria define the jurisdiction's policy regarding eligibility for detention. This policy alone is not enough. Once an individual meets the requirements for detention, a well-designed screening instrument should be used to determine the appropriate

BEST COPY AVAILABLE

detention service or status necessary to accomplish the purposes of detention (i.e., ensuring appearance in court and preventing re-offending). This screening process transforms detention from a building or facility into a continuum of supervision. The continuum, in turn, should be based upon the principle that a child eligible for detention should be placed in the least restrictive alternative available to accomplish those purposes.

A well-designed screening instrument will ensure that detention resources are appropriately used based upon the risks posed by the individual youth. This process also institutionalizes the site's population control program and prevents its success from being dependent on staff biases or subjective decisions.

Among the JDAI sites, only Sacramento developed new criteria to establish a refined threshold of detention eligibility. The other sites, for various reasons, some of which are noted in the last section, continued to rely on existing statutory frameworks and various local customs (often despite their vagueness and inconsistency with the newly formed consensus about detention's purposes). However, all JDAI sites developed objective screening instruments to determine what to do with youth brought to the detention center by the police. These tools for structured, objective decision-making—generally referred to as risk assessment instruments (RAIs)—are designed to rationalize intake decisions by classifying whether a particular individual presents a high, moderate, or low risk of flight or rearrest pending adjudication. Typically administered by probation or detention intake staff, RAIs became the primary strategy used by JDAI sites to reduce inappropriate or unnecessary admissions. Examples of the RAIs used in Cook, Multnomah, and Sacramento Counties are reproduced on pages 44-47.

1. What Does an RAI Include? Objective screening instruments rely on factors that can be easily measured and that prior research has shown to be correlated with the risk a youth poses. These variables are given weighted values—points—that can then be totaled by the intake worker who interviews the arrested youth. Most of the JDAI instruments are quite similar, but not just because these sites were all part of the same detention reform initiative. As noted, they rely on the same basic

factors because prior research has demonstrated that they are correlated with risk. The most common factors are:

- the seriousness of the current allegations
- prior adjudications
- current legal status (e.g., on probation or other cases pending)
- prior detention-related failures (e.g., history of bench warrants for failure to appear or rearrests while pending adjudication).

As the site RAI examples reveal (see pages 44-47), within each major variable, different points are assigned depending upon the objective measure. In Sacramento, for example, a felony crime of violence scores 8 points, while misdemeanors involving violence (e.g., minor school yard fights) score 3 points. In many RAI schemes, the time between delinquency referrals also matters. Again referring to Sacramento's instrument, a youth whose last sustained referral occurred more than one year ago would receive 2 points, whereas he or she would have received 4 points if that same offense had been sustained within the past three months.

In addition to the variables that relate to current charges and delinquency history, many objective screening instruments offer opportunities for the intake worker to mitigate or aggravate the score a youth receives by assigning points depending upon favorable or unfavorable characteristics. The Sacramento instrument, for example, allows an intake officer to deduct up to 3 points if he or she finds certain things present, like stable school participation or a first offense occurring at age 16 or older. Similarly, the same officer can add up to 3 points in Sacramento's scheme for "aggravating factors" such as making threats against victims or being a runaway from home. While it is common to find mitigating and aggravating factors included in RAIs, they should be used with caution and limits. The power of the instrument to predict risk, as well as the structured, objective methodology that is at the core of its value, can be lost if intake workers are given unbridled discretion to add or deduct points based upon characteristics that are difficult to assess.

In some places, like Cook County, aggravating and mitigating factors are not scored. Instead, an override option is available. Overrides allow line staff members to disregard the screening instrument's determination. So, for example, a youth who scores for non-secure detention might be admitted to the secure facility because the staff member learned that the youth planned to leave the jurisdiction. Again, it is essential that overrides be carefully controlled by developing explicit criteria. In Cook County's case, a line officer cannot override in either direction (that is, to detain or release) without a supervisor's approval.

2. How Are the RAIs Used? After completing the interview with the arrested youth, the intake worker totals the points and classifies the youth into one of three categories, generally corresponding to low, moderate, or high risks. In Cook County, for example, a youth who scores 0-9 points (the lowest range) is authorized for release. If he or she scored 10-14 points, placement in one of the county's alternative-to-detention programs is required (with a separate form used to determine which type of program, as described below). Finally, if a youth in Cook County scores 15 points or higher, the intake worker must authorize secure confinement.

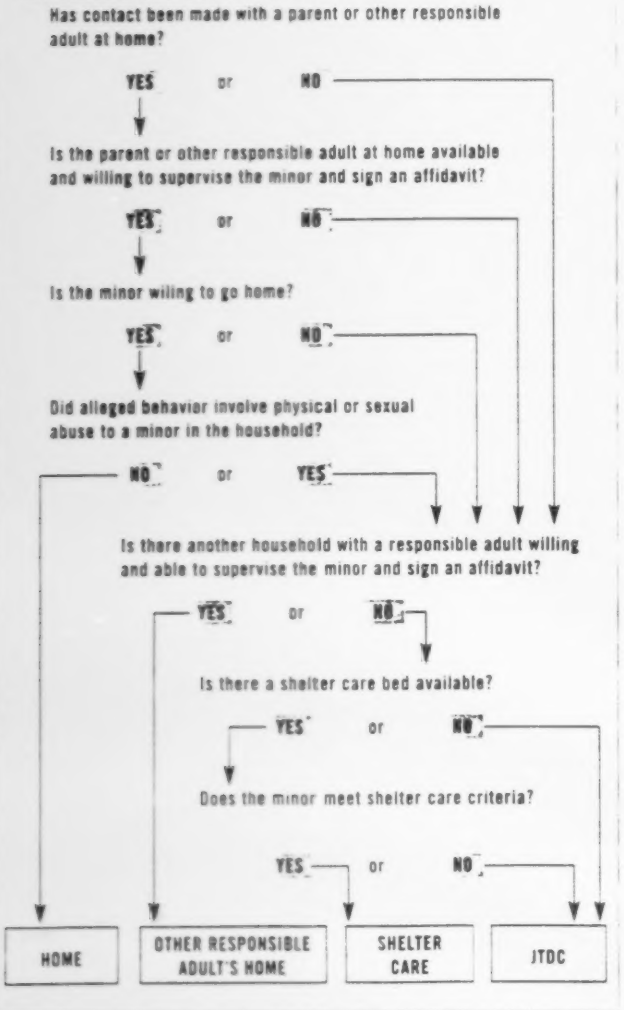
The RAIs are extremely important in determining which detention-eligible youth go to non-secure detention alternatives. In effect, they try to identify which potential detainees could be safely supervised in the community, with or without special conditions. Absent an effective screening tool, most jurisdictions have trouble placing the right youth in the right alternative programs. RAIs, however, provide a clear road map to such assignments. When sites have multiple alternative program choices, a second tool may be needed to determine which option is appropriate for youth who score in the moderate-risk range (see Figure 5).

Initial intake is not the only point at which the RAI is used. In Multnomah County, for example, the instruments for each detained youth are distributed to key stakeholders (e.g., defenders, prosecutors, and probation staff) prior to the detention hearing. If any party finds something scored incorrectly, corrections can be made and shared with the court at the hearing. Moreover, these parties use the instrument to discuss whether a release plan can be devised. In this instance, the

In Cook County, if a youth scores in the moderate-risk range (10-14 points), he or she can be placed in a non-secure detention alternative in lieu of secure custody. But Cook County has a range of such programs. How is the intake officer to decide who goes to which type of program? To structure this decision, Cook County's JDAI Executive Committee developed a "decision tree" that offers the best answers. By asking a series of yes-no questions, placements are determined. Youth for whom there is no responsible adult available to assume custody, for example, are sent to the non-secure shelter until other arrangements can be made. Other youth return to their families, but are placed under the supervision of the home detention program. The decision tree is presented below.

FIGURE 5

COOK COUNTY DETENTION SCREENING INSTRUMENT
NON-SECURE CUSTODY OPTIONS



instrument helps provide context for these unique pretrial planning discussions.

At the youth's first appearance in court, the scored instrument is generally given to the judge, the prosecutor, and defense counsel. Judges want to see the instrument both to determine whether they agree with the intake worker's decision, which they may disagree with, or to clarify conditions of release. Often, defenders will base their arguments against detention on the factors contained in the RAI. In Multnomah County, in fact, public defenders participated in a day-long training session after the RAI was implemented, learning the details about the instrument and practicing advocacy techniques based upon its application.

Even after the first appearance, the RAI remains an important detention tool. In many cases, changes in important factors may, in turn, alter RAI scores. For example, if a youth is initially charged with a violent felony by a police officer, his initial RAI score is likely to be high. Upon investigation by the district attorney, however, it may turn out that the injuries sustained by the victim were not particularly serious and that a felony charge was, therefore, unsustainable. If the district attorney's petition only alleges misdemeanor assault, the

BEST COPY AVAILABLE

youth's RAI score will be much lower than originally tabulated. Consequently, it is essential that someone track such changes in order to adjust scores and prompt reconsideration of detention status. In Sacramento and Multnomah Counties, these tasks fall to the "detention expediter" whose job it is to monitor the detention population and to bring cases such as those where RAI scores should change to the attention of the court.

3. How Were the RAIs Developed? There are two basic ways that sites develop objective screening instruments. One is to begin with statistical analyses to figure out which variables have the greatest predictive power regarding failure to appear and rearrest. Armed with these findings, an instrument can be constructed. New York City's Criminal Justice Agency, a large nonprofit organization that provides adult pretrial release services, used this approach to develop a new point scale for juveniles prosecuted in the adult courts.[5]

The other JDAI sites produced their instruments through a more common method (often referred to as "normative" development because the approach relies on the norms common to the site). First, they obtained instruments already being used by other jurisdictions, especially those for which there was evidence of effectiveness. The JDAI sites, for example, all had copies of the original Broward County instrument, and many key stakeholders had actually observed detention intake in Broward County during a site visit there. These "off-the-shelf" instruments were then reviewed by the detention reform collaboratives, or a subcommittee, to examine their relevance given local laws and culture. For example, in Sacramento, frequent high-speed car chases involving juveniles were a particular concern (while they had not been in Broward County). Consequently, the Sacramento team gave a lot of weight (7 points) to felonies in which there was a high-speed chase. In Multnomah County, following a well-publicized school shooting by a juvenile, the RAI was modified so that weapons charges would always result in the youth being held until a judge had a chance to review the case. (Ongoing data collection was also instituted to track the utility of this RAI modification.)

Once local laws and customs are considered, a site-specific instrument was drafted by the stakeholders. This instrument was then "tested" in one of two ways: the site either scored each new case coming to detention admissions for a period of time to examine what would happen if the draft RAI were used, or they applied the draft RAI to a retrospective sample of cases for which they had the necessary data and examined how admissions decisions would have been different. In both instances, the analyses included data on failure-to-appear and rearrest outcomes so the stakeholders could see if the point scale effectively distinguished the risks that youth pose. These reviews, either prospective or retrospective, accomplish two ends: (1) they enable the stakeholders to get a detailed feel for how youth will be classified and, therefore, who will or won't be released, and (2) they enable the stakeholders to determine whether the outcomes (i.e., failure to appear and rearrest) appear sufficiently successful to warrant further experimentation.

In each site, stakeholders poured over the test application of the instrument and debated its merits. Commonly, defenders would argue that the instrument was too restrictive, resulting in unnecessary detention for low-risk youth. Prosecutors often took the opposite position and fretted about whether the drafts were releasing too many kids. The give-and-take was valuable. It helped force the parties to focus on the purposes of detention. In Broward County, this process went on through 13 adjustments before the instrument was agreed upon. The months of debate and data analysis, however, proved worth it. In 1991, four years after the reform effort began, local stakeholders found that they had more serious and violent youth detained when the facility's population was only 67 than before the RAI was introduced, when the population was 147 (see Figure 6). These numbers confirmed that the instrument was doing its job, distinguishing high-risk youth from those who posed significantly lesser risks.

4. **Did the RAIs Affect Missions?** The simple answer is yes. For example, as Figure 7 shows, Sacramento substantially reduced the percentage of detention referrals admitted to secure custody once objective screening was implemented. In the first part of 1994, 54 percent of such cases resulted in admission to detention. By the end of the first half of 1997, only 41 percent of referrals were admitted.

Introduction of these instruments was not immediately successful in all sites, however. In Cook County, the first RAI produced an unexpected increase in detention admissions, probably because its developers had to create the instrument with inadequate data to analyze. Subsequently, revisions were made to the values within the instrument based upon a more detailed data analysis, and admissions immediately began to decrease. These changes can be observed in Figure 8.

RAIs affected detention admissions in still other ways. For example, one of the ambitions of the JDAI sites was to reduce the disproportionate representation of minority youth in secure confinement. In Multnomah County, where kids of color were much more likely than white youth to be held in detention prior to JDAI, the introduction of the RAI changed these odds, almost equalizing the likelihood of detention and thereby eliminating at least one decision point where racial disparities grew. These changes are reflected in Table 1.

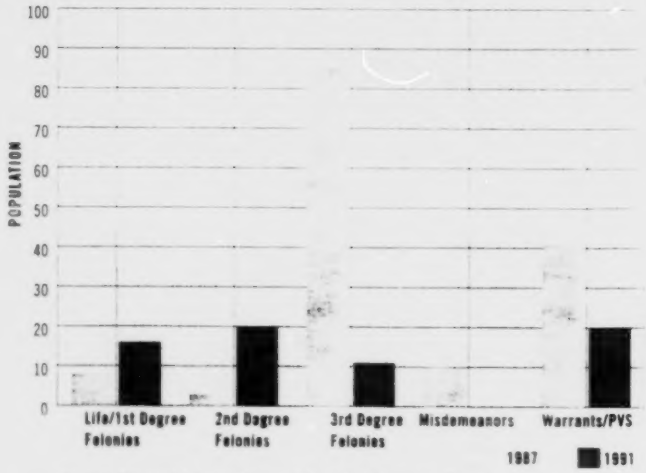
5. What Are the Problems and Obstacles? The JDAI sites' experiences with objective screening instruments are similar to other

FIGURE 6

BROWARD REGIONAL JUVENILE DETENTION CENTER

Population Comparison

October 31, 1987 — Population = 147 / June 12, 1991 — Population = 67



Source: Broward County Regional Juvenile Detention Center

FIGURE 7

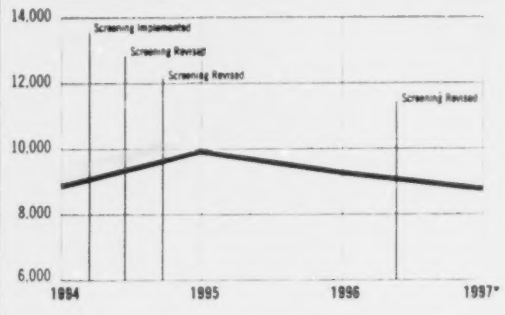
SACRAMENTO COUNTY
PERCENT OF DETENTION REFERRALS
ADMITTED TO DETENTION BY QUARTER, 1994-1997

Source: National Council on Crime and Delinquency

BEST COPY AVAILABLE

FIGURE 8

COOK COUNTY
NUMBER OF YEARLY DETENTION ADMISSIONS, 1994-1997



*An estimate based on the first six months of 1997.

Source: National Council on Crime and Delinquency.

jurisdictions around the country. Generally speaking, this objective approach to making detention admissions decisions has proven more reliable, more predictable, and more defensible than unfettered discretion or idiosyncratic approaches that are inherently unfair and largely unexplainable. With RAIs, the detention system has a rational approach that can be defended when the inevitable bad case comes along. More importantly, with this approach sites can continuously adjust their instruments as a function of actual outcomes. If failure-to-appear rates are too high, analysis can indicate which factors deserve higher point scores. Similarly, if rearrest rates are extraordinarily low, it probably means that the system is too risk aversive, and many kids who would not be rearrested are being held in order to minimize the chances of such failures. More on this kind of quality assurance is presented in the next section.

Despite these positive points, there are several critical issues that detention reformers should expect to confront in switching to an objective admissions screening approach. One of the most common is staff resistance. In some instances, line staff oppose the use of these types of instruments because they feel that their discretion is being questioned or curtailed. Probation officers, especially those with years of experience, often feel that they can do better at assessing risk than a standardized instrument can.

Using objective screening tools, however, is not intended as a criticism or slight against such staff. Rather, it is an effort to standardize and make fairer what otherwise is often a chaotic and uncertain, but critical, decision point. For each officer who is really good at assessing risk, there is usually a counterpart who uses other criteria, perhaps ones that are less accurate. For each officer who is unbiased, there may be others who are not so evenhanded. For each officer who can stay focused on assessing risk, there may be others whose focus is actually needs, even

though pre-adjudicated youths should not generally be the subject of intensive needs assessment. And for each staff member who can articulately defend particular decisions to admit or release a youngster, there are usually equal numbers for whom such explanations are difficult. Using objective screening instruments eliminates these problems. They also enable judges and other stakeholders to feel comfortable that intake staff will admit or release the right youth.

TABLE 1

MULTNOMAH COUNTY
PROPORTION OF DELINQUENCY REFERRALS WITH PRETRIAL DETENTION
BY YEAR AND RACE/ETHNICITY OF JUVENILE

	Race/Ethnicity					
	Asian	Black	Hispanic	Native American	White	Total
1990	.22	.24	.34	.23	.15	.18
1991	.19	.24	.33	.21	.13	.17
1992	.13	.22	.29	.28	.14	.18
1993	.14	.19	.29	.19	.14	.16
1994	.14	.21	.23	.24	.11	.15
1995	.13	.16	.16	.15	.10	.12
1996	.10	.11	.23	.10	.07	.09
1997 (1st half)	.03	.09	.12	.09	.06	.07

Source: Dr. William Feyerherm, Portland State University

Finally, these instruments do not totally eliminate discretion, nor should they. Whether mitigating or aggravating factors can be weighed, as in the Sacramento instrument, or overrides (with supervisory approval) are imposed, like in Cook County, officers still have the opportunity to make professional decisions, ones that will be fair, consistent, and defensible. A recent case in Sacramento demonstrated why both criteria and screening instruments need to be viewed as tools rather than as the law. In this instance, a group of gang-affiliated juveniles were brought to the detention center for burglary offenses that, while serious, would not have resulted in secure confinement. The arresting officers, however, knew from their interrogations that the burglaries had been staged to get guns that would be used to seek revenge against another gang. When the police shared this knowledge with probation intake officers, the juveniles were detained, despite what the RAI called for.

A second potentially important problem is found in the relationship between the RAI's success (i.e., how good are the outcome measures for juveniles who are released) and the alternatives to detention programs. The instrument determines which youth are eligible for these programs. Presumably, the research that went

BEST COPY AVAILABLE

into its construction makes these predictions sound. However, those predictions cannot take into account the quality of the programs to which the youth are sent. A home detention program that provides infrequent or inconsistent supervision and fails to help youth understand the consequences of noncompliance with its rules will probably have lots of failures. That is, youth assigned to the program will frequently fail to appear in court or will get rearrested while their cases are pending. Are these failures attributable to the inadequacies of the RAI or are they a consequence of poor programming? When monitoring outcomes associated with the introduction of objective admissions screening instruments, it is critical to distinguish between the RAI and the programs.

Similarly, often when low-risk youth are released home, their cases are treated by the courts in very different ways than if they had been detained. Sometimes, these youth are released and not called to return to court for an appearance for six to eight weeks. Is it any wonder that many of these youth fail to appear in court? Such failures, again, are not necessarily a result of the risk assessment process. Rather, they may indicate that other aspects of juvenile justice case processing need modification to maximize the benefits of the new system. In general, JDAI sites learned that detained cases and those in alternative programs should follow similar case-processing standards.

C. Quality Control and Oversight

For detention eligibility criteria and risk assessment to ensure appropriate use of detention and to control facility populations, their application and effectiveness must be constantly monitored. In the JDAI sites, as well as in Broward County, quality control and monitoring sought to answer two basic questions: (1) Is the new admissions process operating as planned? That is, are the eligibility criteria being followed, and are staff scoring the risk instrument accurately? (2) Are the new admissions policies and practices working effectively? That is, are the right youth being detained or released? The first question focuses on individual case-level decisions; the second question addresses overall admission's system performance.

1. Case-Level Quality Control. Monitoring case-level performance was accomplished in JDAI sites primarily through supervisory oversight. In Sacramento and

Multnomah Counties, as well as in Broward County, the person responsible for oversight was the "expediter." In Cook County, the intake screening unit supervisor performs these oversight functions. These individuals review all admissions, checking to ensure that they meet eligibility criteria, that the risk assessments are properly scored and, if appropriate, working to facilitate release to a detention alternative. When youth are detained, the expediter (or intake supervisor) will continue to monitor the case so that changes in circumstances (e.g., reductions in charges) that alter RAI scores can be acted upon. The expediter also watches for persistent errors. For example, if intake workers consistently mis-score a particular risk factor, the expediter will take note and make sure that training is conducted to improve performance.

In Multnomah County, each case in custody is also reviewed in a group composed of representatives from probation, prosecution, and defense prior to the initial hearing. During these reviews, the RAI will be examined, along with other information about the detainee. If new information has come to light since the youth was originally interviewed, this information will be shared and the risk score changed. If incorrect or outdated information was used at that original intake session, these problems can be corrected during this meeting. When the parties arrive in court, therefore, there has been a joint quality control endeavor that serves to reassure the judge that the admissions process is as well-informed and accurate as possible.

Broward County also utilizes a collegial form of quality control relevant, at least in part, to admissions issues. Each week, front-line supervisors gather to review all cases (pre-adjudicated and awaiting placement) in secure custody. Everything from the RAI score to the next court date is examined. If an admissions error was made, but went undetected by the expediter's review, it will be uncovered here. If a change in status has occurred, it will be identified. If a program slot has become available (that wasn't an option at adjudication), steps will be taken to affect transfer. These weekly sessions also serve to surface generic problems, such as inappropriate use of overrides or unanticipated problems with alternative programs. The

supervisors then discuss these issues and necessary adjustments with line staff to improve overall practice.

Oversight of individual case-level decision-making is made much simpler by the use of computers. In Multnomah County, for example, the RAI is automated. Intake staff enter information during their interviews with arrested youth based upon screens that appear on their computer monitors. The computer automatically assigns the correct points for each scored factor and then provides a total. Errors in arithmetic are, therefore, eliminated. Furthermore, this database enables Multnomah supervisors to conduct aggregate analyses on RAI scores. For example, they can quickly determine what percentage of youth are scoring for secure custody, or which screeners use overrides the most.

2. **System-Level Quality Control.** Objective admissions policies and practices are not only designed to control populations or reduce inappropriate confinement. They are also intended to protect public safety (by determining who is at greatest risk of reoffending) and to ensure the integrity of the court process (by determining who is most likely to fail to appear). Support for the new admissions approaches typically rests on the answers to a series of system-wide questions:

- Have the characteristics of youth admitted and released changed and/or become more consistent?
- Are high-risk youth detained and lower-risk youth released (either with or without special conditions or program requirements)?
- Are youth who were previously released outright now being placed in alternative programs, or are those program assignments largely restricted to youth who previously were detained?
- Have pre-adjudicatory rearrest rates and failure-to-appear rates remained constant or improved?

These questions can be answered only through analyses of detention admissions and related outcomes. Without consistent exploration of these and related issues, sites should not expect the new policies and practices to work as effectively

as they can. However, with regular system oversight, these questions can not only be answered, the results can actually be improved.

A good example of this type of systemic oversight occurred in Cook County shortly after it first implemented objective screening. Mike Rohan, Director of Juvenile Probation and Court Services for the Cook County Juvenile Court, relates this story:

The JDAI executive committee adopted an RAI in late 1994. Because there were limited data about which cases to detain, the instrument was developed by committee consensus based on knowledge of our system and instruments from other jurisdictions. Soon after the instrument was introduced, the detention center experienced an increase in admissions and average daily population. This was an unanticipated consequence of significance, so the committee reviewed the instrument in detail. Scores for each offense category were reconsidered and the numerical thresholds for different custody levels were examined. We asked a consultant to develop projections based upon various change scenarios. His projections indicated that, through certain changes to the instrument, we could reduce admissions without increasing failure-to-appear or rearrest rates.

In order to secure approval of these changes by the police and prosecution, the revised instrument was tested over a three-month period, enabling us to assemble data on cases suitable for non-secure custody. The original instrument, however, still controlled admissions. A three-month application followed and demonstrated that certain offense categories could be released outright or to non-secure detention alternatives with no increase in rearrest or failure-to-appear rates. With the approval of the executive committee, including the police and prosecution, the adjusted instrument was authorized.

TABLE 2

COOK COUNTY
RAI SCREENING OUTCOMES, 1995 AND 1996

	Percent Released with Conditions	Percent Released without Conditions	Percent Detained
1995	7%	26%	67%
1996	31%	25%	44%

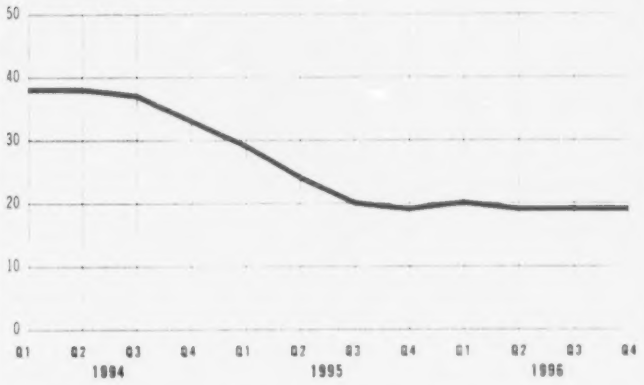
Source: National Council on Crime and Delinquency.

Admissions decreased as more youth were assigned from secure custody to non-secure programs (see Table 2). Failure-to-appear and rearrest rates also improved. The instrument has been adjusted four times since 1995, with a steady

BEST COPY AVAILABLE

FIGURE 9

COOK COUNTY
QUARTERLY FTA RATE, 1994-1996



Failure to appear is the percent of youths who do not appear at either a probable-cause (36 hours) hearing or a disposition hearing.
Source: National Council on Crime and Delinquency.

decline in admissions, increased use of non-secure alternatives, and steady decline in failure to appear rates (see Figure 9).

As this example illustrates, screening instruments should be frequently validated and, if needed, changed to maximize their effectiveness. Each JDAI site has now gone through several iterations of its instrument. Accurate data on the two key outcomes (failures to appear and rearrests prior to disposition) are essential to this monitoring. Most sites find that, over time, their initial instrument was more restrictive than necessary, not a surprising result given the politically charged nature of the admissions decision. Only through systemic quality control efforts is it possible to overcome this predictable tendency to over-rely on secure detention.

Notes

[1]FLA. STAT. ch. 39.002(4) (1991).

[2]FLA. STAT. ch. 39.043(1) (1991).

[3]*A.A. a juvenile v. Rolle*, 604 50 2d 813, 818 (1992).

[4]"Juvenile Justice Detention Programs: Ten Year Longitudinal Analysis," Florida Department of Juvenile Justice, *Management Report*, No. 73, June 1998.

[5]See "Developing a Release-on-Recognizance System for Juveniles Arraigned in New York City Adult Courts," Laura A. Winterfield, PhD, New York City Criminal Justice Agency, May 1996.

BEST COPY AVAILABLE

Chapter 4

LESSONS LEARNED

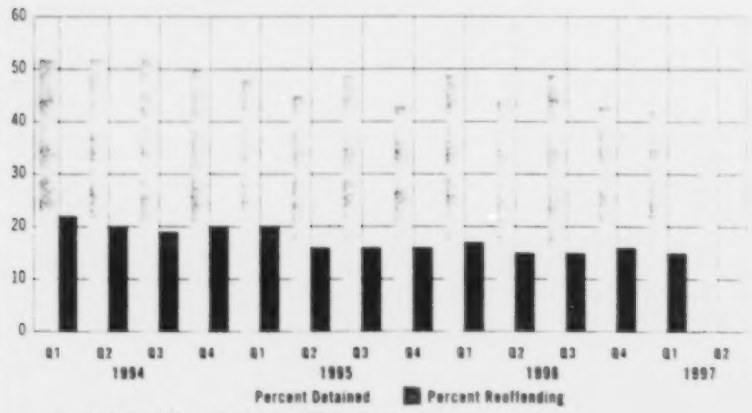
While JDAI sites continue to change and grow, certain key lessons have emerged that sites interested in replication may find useful.

- **Juvenile detention admissions policies and practices are very amenable to change.** In all JDAI sites, significant admissions changes were designed and effectively implemented. As Figure 10, from Sacramento County, reveals, these reforms reduced admissions rates without compromising public safety.

- **Objective, structured admissions approaches must be linked to other detention reform strategies.** Even the best designed and implemented criteria and RAIs are unlikely to achieve maximum effectiveness if they are not part of more comprehensive reforms. Absent effective alternative programs, for instance, moderate-risk youth will not be released, regardless of what their RAI scores are. Similarly, unnecessary delays in case processing will negatively influence outcomes. Careful attention, therefore, must be devoted to ensure that other key components of the justice system are also addressed when changing admissions practices.

FIGURE 10

SACRAMENTO COUNTY
PERCENT OF DETENTION REFERRALS
ADMITTED AND QUARTERLY REOFFEND RATES, 1994-1997



Source: National Council on Crime and Delinquency.

BEST COPY AVAILABLE

- **It is important to acknowledge the incentives for admissions changes.** Changing who is or is not put in secure detention is a task usually undertaken without much of a constituency. To generate support for such changes, it is helpful to clarify what good will come of them. Key incentives that JDAI sites promoted included enhanced public safety, cost savings, improved conditions of confinement, and increased system and staff accountability.

- **Be prepared for some problems and tough times.** No matter how attractive the incentives, altering admissions policies and practices is both difficult and often controversial. Expect to make some mistakes along the way, but make sure that effective monitoring and careful consensus development minimizes their impact. Also, do not be surprised to meet political opposition or opportunistic criticism. The best defense, JDAI sites learned, is a good offense. So be sure that the changes are well documented, clearly articulated, and carefully implemented.

- **Leadership is absolutely essential for the success of the enterprise.** Change always requires individual leadership, both to promote new ideas and to ensure their effective implementation. Each jurisdiction will require champions for these reforms. Leadership, however, needs conscious development and consistent nurturing. JDAI sites learned that investments in leadership development produced exceptional returns.

- **Vigilance and sustained commitment are essential.** As noted throughout this report, Florida made enormous strides in developing effective objective admissions practices in the early 1990s. However, in a relatively short time, sensational cases and political compromises (related to oversight of the RAI) undermined these achievements. The lesson in Florida was clear: initial victories in battles to reform detention admissions policies should not be confused with winning the war. (For more information, see *Replicating Detention Reform: Lessons from the Florida Detention Initiative* in this series.)

Chapter 5

GETTING STARTED

Each jurisdiction will probably go through somewhat unique processes to change admissions policies and practices. The experiences of the JDAI sites, however, are useful in identifying some important first steps.

- **Involve the key stakeholders:** Though a single agency may be responsible for the initial decision to detain, that agency should not confuse this responsibility for the authority to change practice. New admissions policies and practices are unlikely to be accepted or supported if the police, prosecution, defense, judiciary, probation, and detention leaders have not signed off on the changes.

- **Check out what other sites have done:** There is no need to reinvent the wheel, and there is lots to be gained from those places that have already wrestled with these problems. Examining detention criteria and RAIs from other sites, as well as the results they achieved, provides a helpful starting point for local deliberations and reassures skeptics that the changes can indeed work to the benefit of the system.

- **Collect some data:** Having data about current admissions practices, including distributions that describe who is being detained and for what reasons, helped the JDAI sites recognize the need to improve their decisions. These analyses also proved useful in identifying what specific changes should be the focus of deliberations.

- **Think about using consultants:** Some of the more technical aspects of these reforms, such as validating an RAI, may initially be beyond the capacity of site staff. Technical assistance is available for these tasks. It proved useful to the JDAI sites, especially in the early development of the new practices.

- **Involve line staff in the change process:** Admissions reforms will be carried out primarily at the line staff level, by police officers whose decisions are affected by new eligibility criteria, and by intake workers who score the RAIs. JDAI sites learned quickly that new practices, imposed by managers without staff buy-in, rarely produced the intended results. The best way to avoid such resistance is to include line personnel in the planning and design of the changes.

RESOURCES

For technical assistance in developing detention admissions criteria, risk assessment instruments, and quality control procedures, contact:

The Center for the Study of Youth Policy
Nova Southeastern University
Shepard Broad Law Center
3305 College Avenue
Fort Lauderdale, FL 33314
(954) 262-6239

The Pretrial Services Resource Center
1325 G Street, NW
Washington, DC 20005
(202) 638-3080

The National Council on Crime and Delinquency
685 Market Street, Suite 620
San Francisco, CA 94105
(415) 896-6223

To learn more about JDAI site admissions practices and instruments, contact:

Michael Rohan, Director
Juvenile Probation and Court Services
Circuit Court of Cook County
1100 South Hamilton Avenue, 2nd Floor
Chicago, IL 60612
(312) 433-6575

Rick Jensen
Detention Reform Project Coordinator
Multnomah County Department of
Juvenile and Adult Community Justice
1401 NE 68th Avenue
Portland, OR 97214
(503) 306-5698

Yvette Woolfolk
Project Coordinator
Juvenile Justice Initiative
Sacramento County Superior Court
9555 Kiefer Boulevard
Sacramento, CA 95827
(916) 875-7013

RISK ASSESSMENT INSTRUMENTS

Cook County
JUVENILE PROBATION DEPARTMENT RISK ASSESSMENT INSTRUMENT

Screen Date: _____/_____ 1998 Screen time: _____:_____ A.M./P.M. Screener: J238_____

Youth Officer: _____ District: _____

Minor Respondent: _____ DOB: _____ Age____

Sex: M / F Race: WHITE / BLACK / HISPANIC / ASIAN / OTHER YD: _____

FACTOR	SCORE
1. MOST SERIOUS INSTANT OFFENSE:_____ (Choose only one item indicating the most serious charge)	
Automatic Transfer Cases	15
Violent Felonies—(Murder, Armed Robbery with Handgun, Home Invasion, ACSA, UUW-Gun, Agg Batt-Bodily Harm, Agg Vehicular Invasion, Agg Discharge of a Firearm, Agg Battery with a Firearm)	15
Other Forcible Felonies—(Robbery, Kidnapping, Intimidation, CSA, Hate Crime, Agg Batt, Vehicle Invasion)	10
Other Offenses	
Felony sale of Cannabis (class 1 or 2 felony amount, Arson, DCS)	10
PCS w/int deliver, Residential Burglary, UUW (not a gun), Possession Explosives	7
Felony Possession of Narcotics/Drugs for Sale or Other Felonies	5
Misdemeanor Possession of Narcotics/Drugs or Other Weapons Possession	3
Other Misdemeanors	2
Not Picked up on New Offense (WARRANT)	0
2. PRIOR COURT REFERRALS (Choose only one item)	
Prior IDOC commitment	7
Prior court referral within the last 24-hour period	5
Prior court referral within the last 7 days	4
Six or more total court referrals within the last 12 months (#___)	3
One to five court referrals within the last 12 months (#___)	2
No court referrals within the last 12 months	0
3. PAST FINDINGS OF DELINQUENCY—CLOSED PROCEEDINGS (Choose only one item)	
Past Finding of Delinquency on a violent felony	5
Past Finding of Delinquency on a felony	4
Past Finding of Delinquency on a misdemeanor (# of findings x 1 up to a total of 3 points)	1 / 2/ 3
No Past Finding of Delinquency	0
4. CURRENT CASE STATUS (Choose only one item)	
IPS	6
Probation (#____) Supervision (#____) MULTIPLE DISPOSITION DATES	5
Probation (#____) Supervision (#____) SINGLE DISPOSITION DATE	3
Not an active case	0
5. PETITIONS PENDING ADJUDICATION (Choose only one item)	
3+ Petitions Pending (#____)	3
2 Petitions Pending	2
1 Petition Pending	1
No Petitions Pending	0
6. UNDER PRE-ADJUDICATORY ORDER OF HOME CONFINEMENT	4
7. WARRANT CASES (Choose only one item)	
Category 1: Mandatory Detention	15
Category 2: Non-Mandatory Detention	8
8. VIOLATION OF JUVENILE ELECTRONIC MONITORING	15
TOTAL SCORE	_____

DECISION SCALE

Score 0-9	AUTHORIZE RELEASE (with notice of prioritized date for §5-12 Conference)
Score 10-14	COMPLETE NON-SECURE DETENTION OPTIONS FORM
Score 15 +	AUTHORIZE DETENTION (for minors 13 years of age and older)
	(Complete non-secure custody options for minors under 13 years of age before placement into secure detention)

ADMINISTRATIVE OVERRIDE (Supervisory approval is required)

☐ NO ☐ YES REASON _____

FINAL DECISION ☐ DETAIN ☐ RELEASE ☐ RELEASE WITH CONDITIONS

MR lives at: _____ Apt _____ City: CHGO/_____ IL/ Zip _____

MR lives with: _____ Relation: _____ Phone 312/630/708/773/847

Revised 02.02.98

BEST COPY AVAILABLE

Sacramento County
PRE-TRIAL JUVENILE DETENTION RISK ASSESSMENT

Name of Minor: _____ Date of Birth: _____

X-Reference Number: _____ Screened By: _____

Statute: _____ Screening Date: _____

Instructions: Complete the entire assessment for all minors, including mandatory detainees. Score for each factor below and enter scores in the right-hand column. Select only one score per factor.

FACTOR — **SCORE**

1. MOST SERIOUS INSTANT OFFENSE (SCORE D.A. ARREST WARRANTS AS AN OFFENSE ONLY)\
☐ ANY 707(b) offense 10
☐ Felony crimes of violence 8
☐ Felony sexual offenses 7
☐ Series of three or more separate felony offenses 7
☐ Felony high-speed chase (driver only) 7
☐ Other felony offenses except drugs 5
☐ Sale of drugs or possession for sale of drugs 5
☐ Possession of drugs 3
☐ Misdemeanors involving violence (3 points); all other misdemeanors (2 points) 3/2
☐ Probation violations 1 _____

2. WEAPONS ENHANCEMENT
☐ Possession of firearm and ammunition 2
☐ Possession of firearm (no ammunition) or other weapon 1 _____

3. WARRANTS (OTHER THAN D.A. ARREST WARRANT)
☐ Surrendered 2
☐ Apprehended 3 _____

4. LEGAL STATUS (Check only one)
☐ Currently on Home Supervision Program 7
☐ Pending Court 6
☐ Ward— last sustained offense within 3 months 4
☐ Ward—last sustained offense 3 months to 1 year 3
☐ Ward—last sustained offense >1 year 2
☐ 654/725z 2
☐ No current status, but prior probation status or 2+ referrals by law enforcement 1
☐ None 0 _____

5. RISK OF FTA AND REOFFENSE
☐ Previous 871 (2 points each) 2+
☐ Previous Court FTA's (1 to 3 points) 1-3 _____

6. RISK OF NEW OFFENSE
☐ Previously sustained new offense while pending court 3 _____

7. MITIGATING FACTORS (CAN DECREASE BY A TOTAL OF 1-3 POINTS — SPECIFY POINTS)
☐ Stable and supportive family or caretaker _____
☐ Stability in school and/or employment _____
☐ First offense at 16 or older _____
☐ Successful completion of furlough, home supervision, or electronic monitoring _____
☐ Mitigating factors regarding warrant _____
Explain: _____
☐ No arrests within the last year _____
☐ Other (specify): _____ _____ _____

8. AGGRAVATING FACTORS (CAN INCREASE BY A TOTAL OF 1-3 POINTS — SPECIFY POINTS)
☐ Witness intimidation _____
☐ Runaway behavior from home _____
☐ Victim threats _____
☐ Poor or no attendance at school _____
☐ Aggravating factors regarding warrant _____
Explain: _____
☐ Gang membership _____
☐ Recalcitrant behavior/curfew _____
☐ Misdemeanor high-speed chase _____
☐ Other (specify): _____ _____ _____

9. MANDATORY DETENTION CASES (CHECK ONE BOX BELOW AND ADD "M" ALONG WITH TOTAL SCORE)
☐ Escapee/failure from county institutions
☐ Electronic monitoring arrest
☐ Weapons—personal use of firearm in commission of felony offense
☐ Abscond from placement
☐ Home supervision arrest
☐ Furlough failure
☐ Placement failure
☐ Out-of-county warrant

TOTAL SCORE _____

DETENTION DECISION (check):
☐ Detain (10 or more points)
☐ Release to non-secure detention (6-9 points)
____ Home Supervision ____ Shelter ____ Other
☐ Release without restriction (0-5 points)

OVERRIDE DECISION (specify reason):
☐ Parent/guardian refusal to pick up
☐ Unable to reach parent/guardian
☐ Add booking—minor already detained
☐ Other (specify):
☐ Threat to public safety
☐ Victim threats or victim resides in home
☐ Courtesy hold for: _____
☐ Likely to flee
☐ Safety of minor

Explain decision: _____

Revised 6/96

BEST COPY AVAILABLE

Multnomah County Department of Juvenile Justice Services
RISK ASSESSMENT INSTRUMENT (RAI) III

This paper form is to be used only when electronic RAI is unavailable. It *must* be entered into the electronic RAI as soon as it is available.

Date/time youth brought to DELH/Admissions: _____ Date/Time of Intake Screening: _____

Youth's Name: _____

Case #: _____ Ref. #: _____ DOB: _____

SPECIAL DETENTION CASES (CIRCLE "DETAIN" FOR ALL APPLICABLE CATEGORIES)

Escape from secure custody — Detain

Arrest warrant (Detain with limited exception, see definitions) — Detain

Type of Warrant (Check all that apply)

☐ Fail to appear ☐ Unable to locate ☐ Other (specify): _____

In-custody youth summoned for hearing — Detain

Court ordered (Check all that apply) — Detain

☐ Community Detention Violation ☐ Day Reporting Violation ☐ Electronic Monitoring Violation

☐ Law Violation ☐ Probation Violation ☐ Other (specify): _____

1. **MOST SERIOUS INSTANT OFFENSE** — CIRCLE HIGHEST APPLICABLE SCORE

Intentional homicide (aggravated murder, murder)	17
Attempted Murder or Class A Felonies involving violence or use or threatened use of a weapon (including Rape 1, Sodomy I, and Unlawful Sexual Penetration I involving forcible compulsion)	12
Class B Felonies involving violence or use or threatened use of weapon	8
Rape I, Sodomy I, Sexual Penetration I *not* involving forcible compulsion	7
Class C Felony involving violence or use or threatened use of a weapon	6
All other Class A and B Felonies	5
All other Class C Felonies	3
Misdemeanor involving violence, or possession, use or threatened use of a weapon	3
All other Misdemeanors	1
Probation/Parole Violation	1
Other, e.g., status offense (MIP, runaway, curfew, etc.)	0

Score Range 0 to 17 **SCORE** _____

2. **ADDITIONAL CURRENT OFFENSE** (IF APPLICABLE, CIRCLE HIGHEST SCORE)

Two or more unrelated additional current felonies	3
One unrelated additional current felony	2

Score Range 0 to 3 **SCORE** _____

3. **LEGAL STATUS** — CIRCLE ALL THAT APPLY

Currently under Juvenile Justice/OYA or other state or county supervision (Check all at apply)

EITHER: ☐ Parole ☐ Probation — 2

OR: (If this section applies, score either 2 or 1, not both) — 1

☐ Deferred Disposition ☐ Informal Disposition ☐ Formal Accountability Agreement

☐ DJJS Diversion ☐ Other (specify): _____

Above referenced status for felony violent/assaultive law violation or domestic violence or unlawful possession of a firearm: 1

Pending trial (or disposition) on a law violation/probation violation (petition filed). Score only most serious pending offense using the "Most Serious Instant Offense" values. No score for misdemeanor petitions over 6 months old, unless there is an outstanding warrant. — 17 12 8 / 7 6 5 / 3 1 0

Youth is on a conditional release. (Check all that apply, but score only 1 point)

☐ Community Detention ☐ Electronic Monitoring ☐ House Arrest ☐ Other (specify): _____

Score Range 0 to 21 **SCORE TOTAL** _____

4. **ALL WARRANTS** (Excluding Traffic and Dependency) **HISTORY**:

Score (2) points for each warrant (excluding traffic and dependency warrants) during the past 18 months (maximum 20 points) — 20 18 / 16 14 / 12 10 / 8 6 / 4 2

Score Range 0 to 20 **SCORE** _____

5. **PRIOR SUSTAINED OFFENSE** (If applicable, circle highest score)

Two or more prior felony adjudications (true findings)	3
One prior felony adjudication, or three or more prior misdemeanor adjudications (true findings)	2
Two prior misdemeanor adjudications (true findings)	1

Score Range 0 to 20 **SCORE** _____

Continued

BEST COPY AVAILABLE

6. **MITIGATING FACTORS** (Circle all that apply)

Regular school attendance or employed	-1
Responsible adult to assure supervision and return to court	-1
No Law Violation referrals within past year (applies only to youth with a prior history of Law Violations)	-1
First Law Violation referral at age 16 or older	-1
First Law Violation referral (instant offense)	-1
Not on probation, first UTL warrant and unaware of warrant	-2
No FTA warrant history (youth must have had a delinquency court appearance history)	-2

Score Range -9 to 0 SCORE TOTAL _____

7. **AGGRAVATING FACTORS** (Circle all that apply.)

No verifiable local community ties	3
Possession of a firearm during instant offense without use or threatened use	2
Reported history of runaways from home within past 6 months (2 or more) OR 1 run away from home and 1 run from placement	1
Reported history of runaways from out-of-home placement within past 6 months (2 or more)	2
Multiple victims in instant offense	1
Documented threats to victim/witness (instant offense)	1

Score Range -0 to 10 SCORE _____

TOTAL RISK SCORE _____

DECISION SCALE/DECISION

☐ Special Detention Cases ☐ Detain (12+) ☐ Conditional Release (7-11) ☐ Unconditional Release (0-6)

SUMMONS

Preliminary Hearing Summons ☐ Yes ☐ No

(Summons to prelim if score over 6 or youth is being released on a warrant, on a charge involving a weapon, on a UUMV charge, domestic violence, or is being placed in a shelter care placement that requires a prelim)

Shelter Placement ☐ Yes ☐ No

OVERRIDE

☐ Detain ☐ Conditional Release ☐ Unconditional Release Approved by:_____

Reason: _____

_____

Does youth meet statutory criteria for detention? ☐ Yes ☐ No (If no, youth MUST be released)

REASON FOR ADMISSION OF YOUTH HELD PENDING A PRELIMINARY HEARING

Probable cause that one or more of the following exists:

☐ Committed any felony crime
☐ Committed a crime involving infliction of physical injury to another person
☐ Possession of a firearm (ORS. 166.250)
☐ Escape from a juvenile detention facility
☐ Out-of-state runaway
☐ Probation/parole violator
☐ Fugitive from another jurisdiction
☐ APB from state training school
☐ Violation of conditional release
☐ FTA after summons, citation, or subpoena

AND

☐ No means less restrictive of the youth's liberty gives reasonable assurance that the youth will attend hearing; OR ☐ The youth's behavior endangers the physical welfare of the youth or another person, or endangers the community

THIRTY-SIX-HOUR HOLD (OVERRIDE/SUPERVISORY APPROVAL REQUIRED)

Youth can be held 36 hours from the time first taken into police custody *to develop a release plan* if: they are brought in on a law violation; a parent or guardian cannot be found or will not take responsibility for the youth; shelter is not available; and the youth cannot be released safely on recognizance or conditionally. What is the date and time of the police custody? _____

Release must be no later than: (date/time) _____

Reason: _____

_____

Fill out the table below only when the electronic RAI is unavailable *and* only if youth is detained. The following table is the method used by the electronic RAI to automatically compute the CMS score.

COMPUTATION OF THE CMS SCORE

Client's Risk Assessment Instrument (RAI) Score	_____
Add CMS points for each of the current (police) allegations (not just most serious allegation)	_____
Add CMS points for each "Person" or "Property" allegation that has been filed in a petition	_____
Add CMS points for each allegation that has been found true	_____
Add 2 points for each warrant issued (excluding traffic/dependency warrants) within the last 18 months	_____
Capacity Management System (CMS) Score TOTAL	_____

This paper RAI does not include notification and narrative information found on the face sheet. Include this information when transferring to the electronic RAI.

ATTENTION: Fill out CMS Early Release Plan form on all youth detained with RAI score of less than 12.

1359458.PS12/03/97 Revised with III on 01/21/98 Revised with Computation on 01/28/98

BEST COPY AVAILABLE

The Pathways to Juvenile Detention Reform series includes the following publications:

Overview: The JDAI Story: Building a Better Juvenile Detention System

1. Planning for Juvenile Detention Reforms: A Structured Approach

2. Collaboration and Leadership in Juvenile Detention Reform

3. Controlling the Front Gates: Effective Admissions Policies and Practices

4. Consider the Alternatives: Planning and Implementing Detention Alternatives

5. Reducing Unnecessary Delay: Innovations in Case Processing

6. Improving Conditions of Confinement in Secure Juvenile Detention Centers

7. By the Numbers: The Role of Data and Information in Detention Reform

8. Ideas and Ideals to Reduce Disproportionate Detention of Minority Youth

9. Special Detention Cases: Strategies for Handling Difficult Populations

10. Changing Roles and Relationships in Detention Reform

11. Promoting and Sustaining Detention Reforms

12. Replicating Detention Reform: Lessons from the Florida Detention Initiative

For more information about the *Pathways* series or the Juvenile Detention Alternatives Initiative, contact:

The Annie E. Casey Foundation
701 St. Paul Street
Baltimore, MD 21202
(410) 547-6600
(410) 547-6624 fax
www.aecf.org

The Annie E. Casey Foundation

701 St. Paul Street
Baltimore, MD 21202
410.547.6600
410.547.6624 fax
www.aecf.org

BEST COPY AVAILABLE